

<p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	<p>Policy Number</p> <p style="text-align: center;">27-15-02</p> <p>Date Filed</p> <p style="text-align: center;">June 3, 2005</p>	<p>Total Pages</p> <p style="text-align: center;">5</p> <p>Effective Date</p> <p style="text-align: center;">October 7, 2005</p>
<p>Authority/References</p> <p>KRS 439.330, 439.348, 439.470, 532.200, 532.210, 532.220, 532.230, 532.240, 532.250, 532.260, 533.020, 533.030</p>	<p>Subject</p> <p style="text-align: center;">CURFEW AND MONITORING</p>	

I. DEFINITIONS

As used in this document the following definitions apply:

“Approved monitoring device” is defined in KRS 532.200 (5).

“Curfew” means specified hours when the offender is restricted to the offender’s home.

“Curfew violation” means when the offender fails to return to the assigned residence at the established time or leaves at an unauthorized time.

“Home” is defined in KRS 532.200 (1).

“Offender” means a person who is under the authority of the Division of Probation and Parole.

“Violent offense” is defined in the Classification Manual in 501 KAR 6:080.

“Violent offender” is defined in KRS 439.3401.

II. POLICY and PROCEDURE

A. Criteria for placement of probationer or parolee on curfew and curfew with an approved monitoring device

1. Offenders on probation, shock probation, parole or pretrial diversion under the supervision of the Division of Probation and Parole may be placed on curfew with or without an approved monitoring device.
2. An offender on supervision with the Division of Probation and Parole may be placed on curfew without an approved monitoring device at the officer’s discretion.
3. An offender on supervision for a Kentucky conviction shall not be placed on curfew with an approved monitoring device unless the probation and

Policy Number	Effective Date	Page
27-15-02	October 7, 2005	2

parole officer obtains prior approval from the District Supervisor or designee.

4. An offender on supervision as an Interstate Compact case shall not be placed on curfew with an approved monitoring device, unless approval is obtained from the sending state in accordance with CPP 27-14-01.

B. Application

An offender shall be supervised for a maximum of ninety (90) days on curfew or curfew with an approved monitoring device, unless approval is obtained from the District Supervisor or designee for an extension.

1. Curfew with an approved monitoring device may be used for multiple minor violations or a major violation as outlined in CPP 27-15-01.
2. Curfew may be used for a minor violation or violations as outlined in CPP 27-15-01.

C. Responsibilities of an offender placed on curfew:

1. Have an approved home placement as determined by the probation and parole officer;
2. Have verifiable employment or proof of job search;
3. Attend and provide verification for all recommended aftercare and educational programs as approved by the probation and parole officer;
4. Provide a weekly schedule to the probation and parole officer;
5. Obtain prior approval from the probation and parole officer for any deviation from the schedule;
6. Comply with all conditions of supervision; and
7. Report to the probation and parole officer as instructed.

D. Responsibilities of an offender on curfew with an approved monitoring device.

1. The offender shall not transfer to another area until completion of curfew, unless approval is obtained from the District Supervisor or designee.
2. An offender shall:
 - a. Meet the requirements for curfew stated above;

Policy Number	Effective Date	Page
27-15-02	October 7, 2005	3

- b. Agree to secure and maintain a telephone line in the residence that does not have call waiting, call forwarding, caller ID, or any other option that may interfere with the equipment and the line shall be compatible with the approved monitoring device;
- c. Agree in writing to curfew with a monitoring device and to comply with the conditions of supervision;
- d. Pay the daily monitoring fee and make payment directly to the monitoring service provider;
- e. Be responsible for payment for damage, other than normal wear, to the assigned monitoring equipment; and
- f. Report to the probation and parole office as directed on the date of release from curfew with all monitoring equipment for removal of the monitoring device by the service provider.

E. Responsibilities of the probation and parole officer for curfew

The probation and parole officer shall:

- 1. Read and explain the conditions of supervision to the offender, including any special provisions for curfew;
- 2. Verify compliance by random home visits during curfew hours;
- 3. Report violations in accordance with CPP 27-15-01; and
- 4. Transfer the offender to the appropriate level of supervision after the offender successfully completes the period of curfew.

F. Responsibilities of the probation and parole officer for curfew with an approved monitoring device

The probation and parole officer shall:

- 1. Read and explain the conditions of supervision to the offender, including any special provisions for curfew with an approved monitoring device.
- 2. Obtain the offender's signed, written agreement for curfew with an approved monitoring device prior to the offender being placed on an approved monitoring device.

Policy Number	Effective Date	Page
27-15-02	October 7, 2005	4

3. Enroll the offender in the web-based system for voice recognition and the monitoring device.
4. Instruct the offender to report to the probation and parole office to be fitted with the monitoring device by the service provider according to the service provider's schedule.
5. Review information concerning monitoring on the web-based system for the assigned offender each business day.

G. Offender Schedule

The probation and parole officer shall:

1. Authorize, in writing, a schedule for the offender that shall include any movement away from the offender's residence for work, treatment, reporting, or free time.
2. Make unannounced home visits.

H. Response to curfew violations with an approved monitoring device

1. If the monitoring receiver reports violation to monitoring center, the monitoring center shall call the offender.
2. If the problem is not resolved with the offender, the monitoring center shall report the violation using the web-based system.
3. The probation and parole officer shall report violations as outlined in CPP 27-15-01.
4. The response to violations shall be handled as outlined in CPP 27-15-01.

I. Special concerns with approved monitoring device

1. In a situation such as inpatient treatment, long-term hospitalization, or short-term care where the monitoring transmitter is not permitted, the offender may be removed from curfew with an approved monitoring device. The probation and parole officer shall consult with the District Supervisor or designee in this situation to determine what will be done.
2. If the offender is unable to maintain the offender's current residence, the probation and parole officer shall investigate the new home plan and update the offender information on the web-based system indicating the change of address or updating any necessary information. If no new home

Policy Number	Effective Date	Page
27-15-02	October 7, 2005	5

plan is available, the probation and parole officer shall review with the District Supervisor or designee for alternative supervision strategies.